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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**
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10 Patrick Fitzgerald Watkins,

11 Plaintiff,

12 v.

13 Commissioner of Social Security
14 Administration,

15 Defendant.
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No. CV-16-00168-PHX-DLR

ORDER

17 Plaintiff Patrick Watkins applied for supplemental security income in November
18 2011. (AR 22, 166-74.) The applications were denied. (AR 1-3, 15-35.) Plaintiff
19 thereafter sought judicial review, and on March 31, 2017 the Court reversed Defendant's
20 decision and remanded the case for an award of benefits. (Docs. 1, 23.)

21 Counsel for Plaintiff has filed a motion for award of attorney's fees in the amount
22 of \$11,688.50. (Doc. 27.) Defendant has no objection to the motion. (Doc. 28.) For
23 reasons stated below, the motion is granted.


24 Counsel seeks a fee award pursuant to 42 U.S.C. § 406(b), which "provides that
25 whenever the Court renders a favorable judgment to a social security claimant, the Court
26 can award reasonable attorneys' fees for representation of the claimant." *Flaherty v.*
27 *Colvin*, No. CV-09-08106-PHX-JAT, 2013 WL 5447684, at *1 (D. Ariz. Sept. 30, 2013).
28 Section 406(b) does not displace contingent-fee agreements as the primary means by

1 which fees are set for successfully representing social security claimants in court, but it
2 does limit the reasonable fee to 25% of the past-due benefits. § 406(b)(1)(A); *see* 20
3 C.F.R. § 404.1730(b)(1)(i). Section 406(b) “calls for court review of such arrangements
4 as an independent check, to assure that they yield reasonable results in particular cases.”
5 *Gisbrecht v. Barnhart*, 535 U.S. 789, 807 (2002). In determining whether a fee is
6 reasonable, the Court should consider “the character of the representation and the results
7 the representative achieved.” *Id.* at 808.

8 Here, the results achieved by counsel were favorable and his representation was
9 more than adequate. Having considered the factors outlined in *Gisbrecht*, and the record
10 as a whole, the Court finds that \$11,688.50 is a fair and reasonable fee award. The
11 unopposed motion for award of attorney’s fees therefore is granted.

12 **IT IS ORDERED** that Plaintiff’s attorney’s motion for award of attorney’s fees
13 under 42 U.S.C. § 406(b) (Doc. 27) is **GRANTED**. Counsel’s fees are approved in the
14 amount of **\$11,688.50**.

15 Dated this 21st day of August, 2017.

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Douglas L. Rayes
United States District Judge